

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CAROLYN ENZOR, as Next)	
Friend of K.L.N.E. and)	Civil Action No.
K.A.E., and JULIANNE)	4:22-CV-00083
GLISSON, as Temporary)	
Administrator of the)	
Estate of Ka'La Enzor,)	DAVID JOHN BENSON, MS,
)	
Plaintiffs,)	CTM
)	
vs.)	
)	
THE KROGER CO.,)	
)	
Defendant.)	

Deposition of DAVID JOHN BENSON, MS, CTM, taken by
counsel for the Defendant, pursuant to notice and by
agreement of counsel, under the Federal Rules of Civil
Procedure, reported by Tracy E. Barksdale, RPR, CCR,
at Manly Shipley, LLP, 104 W State Street, Suite 220,
Savannah, Georgia, on June 1, 2023, commencing at
10:01 a.m.

Transcript Prepared By:

McKEE COURT REPORTING, INC.
PO Box 9092
Savannah, Georgia 31412-9092
(912) 238-8808

1 improper touching, I do remember seeing that in the
2 store. I would have to say yes to that. Felony
3 rape, I didn't see that. But again, as I mentioned
4 before, that can either be nothing's occurred, or
5 it's not being reported. But based upon what I've
6 seen, it's one of those two things.

7 Q. Okay. You referenced here in your report
8 under your statement of opinions and methodology that
9 your opinions are based on analysis of the evidence
10 and the methodologies widely accepted in security
11 management and crime prevention including, and then
12 you've listed these standards here.

13 A. Uh-huh.

14 Q. So the ANSI International Standards and
15 Guidelines that you referenced, Workplace Violence
16 Prevention and Intervention?

17 A. Correct.

18 Q. Is this a standard or a guideline?

19 A. It's a standard.

20 Q. Is it mandatory or voluntary?

21 A. No. It is not a government truly
22 nationwide standard. It's voluntary, but it is
23 prevailing, benchmarking to the point that, even when
24 there have been other types of alleged negligence
25 cases in courts, that the courts have been, very

1 frequently go, what is your program, how is it built,
2 what is it based upon, what is in there next? That's
3 what I'm talking about there, benchmarking those.

4 Q. All right. Is there any requirement that
5 Kroger rely on or adopt the Workplace Violence
6 Prevention and Intervention standard?

7 A. No. There is no requirement.

8 Q. Okay. How about -- and let's skip OSHA
9 for a second -- the risk assessment standard.

10 A. Right.

11 Q. Did you use the risk assessment standard
12 in forming your opinions in this case?

13 A. I did not. I'm just aware of it.

14 Q. Okay.

15 A. As I alluded to before, you know, risk
16 assessment is a different pew within this church, and
17 that's helping to determine where you need to put
18 your resources, what the likelihood is of that. I
19 don't get into likelihood. I go into is it
20 foreseeable that something like this could happen?
21 If the answer is yes, then consider putting some
22 mitigating measures. That's the way I approach it
23 when I provide recommendations for my clients.

24 It is consistent, by the way, with those
25 standards. It's certainly what we benchmark. When I